

Docket No. 1999P07769US01

**REMARKS**

Claims 1-40 remain in the application including independent claims 1, 15, and 18. Claim 19 has been cancelled and new claim 41 has been added. In response to Applicant's previous amendment, the Examiner did not enter new claims 36-40 based on an objection under 35 U.S.C. 132 that the claims introduced new matter. The Examiner argued that claims 36-40 added material that was not supported by the original disclosure. Applicant respectfully traverses this characterization of the matter included in claims 36-40. The matter claimed in claims 36-40 is clearly supported by the original specification at page 17, lines 8-17. Applicant requests that these claims now be entered.

The Examiner has withdrawn the rejection of claims 27-28 under 35 U.S.C. 112, second paragraph. **Claims 27 and 28 do not currently stand rejected under any cited prior art.** Thus, Applicant assumes that claims 27 and 28 are allowable and requests an indication of such.

Claims 1-12, 15-21, and 29-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Steffens, Jr. et al. ('359) in view of Stanley ('627).

Claims 1 and 18 have been amended to clarify the modifier signal represents either a positive condition or a negative condition with at least one of an airbag control or seat belt control being disabled in response to the modifier signal identifying at least one negative condition and with the airbag control or seat belt control not being disabled if the modifier signal identifies all possible conditions as positive conditions.

The base reference, Steffens '359, does not disclose this feature and actually teaches away from Applicant's invention as claimed. The Examiner admits that Steffens teaches away from Applicant's invention: "Although the step shown in the figure 4 of Steffens seems to show that the system taught by Steffens teaches away from the invention but this step is one of plurality steps performed in the complex system of Steffens." See page 5, lines 19-21. The fact that Steffens includes additional steps does not change the fact that Steffens teaches away from Applicant's

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invention. Steffens does not disable an airbag or seat belt control until all of the steps shown and described in Figures 4-9 have been performed. There is no disclosure, teaching, or suggestion in Steffens or Stanley of disabling the airbag as claimed by Applicant in claims 1 and 18.

Claim 15 is also allowable over the combination of Steffens and Stanley. Claim 15 includes a pre-collision sensor for generating a pre-collision signal indicating vehicle characteristics occurring just before collision. The crash sensor 90 of Steffens only determines vehicle characteristics at the time of the collision, col 3, line 64 to col 4, line 11. The Examiner cites col 3, lines 1-67 as teaching the generation of a pre-collision signal indicating vehicle characteristics before collision, however, the material referred to at col 3, lines 1-67 only indicates *occupant characteristics* prior to collision, not vehicle characteristics.

Further, dependent claims 33-35 each include the feature of the pre-collision signal being generated based on vehicle speed and braking characteristics occurring prior to a collision event. Neither Stanley nor Steffens teaches this feature.

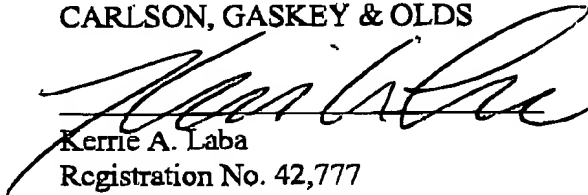
Claims 13, 14, 22-26, and 35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Steffens, Jr. et al. ('359) in view of Stanley ('627) and further in view of Gille ('013). For the reasons, discussed above, the combination of the Steffens and Stanley references do not teach the system as claimed by Applicant. The deficiencies in Steffens and Stanley are also not shown in Gille.

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For the reasons set forth above, all claims should be allowed. An indication of such is requested. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional claim fees.

Respectfully submitted,

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**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 305-7687 on June 20, 2002



Laura Combs

## **APPENDIX A**

### **Claims**

1. (Amended) An occupant restraint system comprising:

a processing unit for receiving input comprised of said modifier, occupant, and collision signals and for generating at least one output signal based on said input that optimizes deployment of said occupant restraint system.

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(a) (1) generating at least one modifier signal [to enable or disable an occupant restraint system based on satisfaction of a predetermined condition] that represents either a positive condition to enable the occupant restraint system or a negative condition to disable the occupant restraint system; and

(2) disabling at least one of an airbag control or a seat belt control in response to the modifier signal identifying at least one negative condition and not disabling the airbag control or the if the modifier signal identifies all possible conditions as positive conditions;

(b) after step (a)(2), generating an occupant signal representing multiple occupant characteristics;

(c) generating a collision signal representing vehicle collision characteristics; and

(d) transmitting the modifier, occupant, and collision signals as multiple input signals to a processing unit; and

(c) generating at least one output signal based on the input signals to optimize deployment of the occupant restraint system.

29. (Amended) A system as set forth in claim 1 wherein said at least one modifier sensor includes a child seat sensor for identifying [whether] all possible installation positions of a child seat [is] including forward [or] and rearward facing positions.

31. (Amended) A method as set forth in claim 18 including the step of generating a child seat position signal as a modifier signal during step (a) to identify installation position of a child

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~~seat as being either forward facing or rearward facing with forward facing corresponding to a positive condition and rearward facing corresponding to a negative condition~~ [indicating whether a child seat is installed in a forward or rearward facing position].

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